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between these two institutions, as the highest expressions of corporate life, that the world of the present day is called upon, and is trying, to choose. Can any one doubt what the ultimate choice will be?

THOMAS DAVIDSON.

NEW YORK.

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## REFORM WITHIN THE LIMITS OF EXISTING LAW.\*

Not long ago I spoke on "Jay Gould; or, Ill-gotten Gains within the Limits of Law." The law cannot prevent—at least did not prevent, in this case—much that is contrary to right and justice. It furnishes an imperfect standard in morals. Because under the law we are free to do certain things, it does not follow that, morally speaking, we may do them. The law may not be able—and it may not be considered within the province of the law—to punish us for doing things that yet are hard, inequitable, and cruel. To use the law, then, as a measure of what we may and may not do is, to this extent, to ignore conscience altogether. It was thoughts of this sort that I wished to suggest by the title of my recent lecture.

But there is another side to the matter. It is sometimes said that the law not only permits wrong, but that it sanctions wrong, is virtually in collusion with it. And it must be admitted that this is sometimes true. But what I wish to ask now is, Is there anything in the law that hinders us from doing right? The right and wrong of government in general, I do not wish to discuss, but it is a pressing, personal question, Does government as now existing anyway compel us in a wrong direction? It is a question not unlike one often raised as to our general social system. How often do we hear it said that this system compels men to be selfish or grasping,

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\* A lecture given before the Society for Ethical Culture, Philadelphia, Sunday, February 19, 1893.

whether they will or no; that they cannot act in accordance with the dictates of their higher nature, while it remains! Can we fail to feel challenged, as it were, by such a statement? For morality, our higher nature, is, we know, something to be obeyed, and if it cannot be in one set of circumstances, then another set of circumstances must be created in which we can be true to it. We have hence an immediate moral interest in knowing whether what is often said of our social system is true. For the question remains, *does* the system compel us, *are* we not free while it lasts, to follow the better instincts, the higher promptings within us? Practically, for the purposes of my present discussion, the law and the general social system under which we live may be treated as coinciding, and, of course, they are nearly related, each to a certain extent reflecting and in turn determining the other. What I really have in mind to ask is whether forces outside us, whether they be formally written down in law or not, whether they be legally compulsory or only naturally compulsory, do prevent us from acting in the spirit of love and justice, do hinder us from living a moral life? Or, to put the question in a different form, what can we do taking the law and the social system as they now are, and what is there we cannot do towards achieving justice and a better state of things, simply by following the better impulses in our hearts? Are these impulses powerless as things now are, or may they be powerful? I am not asking, what is our first duty, whether to change the system or to change ourselves, and I by no means wish to be understood as depreciating the significance or necessity of legal or other external changes. I simply ask, what can be done without them, purely by the action, the effort, and the co-operation of private individuals? In other words, is it, in the last resort, the law or system that is at fault, or is it we who are at fault? Practically it must make a great difference whether we put the responsibility for what is evil on something outside of us, and say we can do no better till it is changed, or whether we see that at least a part of the responsibility rests with ourselves.

Unquestionably where the system in which we live permits

or sanctions wrong, it may be harder for any one to do right. This much must be admitted. If it is more or less the custom and the admitted legal right of persons to take advantage of one another (where they do not use open violence or fraud), if this is a common tendency, it is easier for any one to go with the current than to go against it. The temptation is that way,—for profit is that way, and individual interest so inclines one. But something more than temptation is required to take away responsibility for one's actions. To be in situations of temptation is the general human lot. Virtue is almost always effort, and if the race had always done what seemed easiest, what appeared most inviting at the moment to do, it would have still remained on low levels, as individual peoples or tribes have remained. Temptations do not excuse us, they simply call for strength to meet them. The question, then, for us now is not whether it is easier, more profitable, to acquiesce in or to do things that our best instincts would condemn, but whether we have to, whether the laws make us, or the necessity of getting a living obliges us to, do these things.

Let us take some instances, and, in the first place, a comparatively simple one. Suppose a person possessed of some wealth, more than he really needs to support himself and his family, taking into account every desirable comfort and advantage as well,—how shall he use the surplus? The law leaves him free to use it as he chooses. It is his private property, and the law protects him against its being forcibly taken away from him for any purpose whatsoever. If he wants to build a yacht with it, or to erect a palace for himself, or to give sumptuous entertainments with whole orchestras discoursing music while he and his guests sit at feast, if he wants to do the most extravagant thing or the most foolish or (within limits) the most vicious thing, he may do so. Yes, as the tendency of wealth, particularly where it is great in amount and newly acquired, is towards extravagance, every motive of vanity and ambition may urge him in these directions,—to do anything else may be to allow himself to be outstripped in the race for social distinction and prestige. But will any one in his senses pretend that he is obliged to do

these things, that he cannot, if he will, put his surplus wealth to very different uses? What is to hinder his founding a library, or endowing needed chairs in a university, or building decent houses for the poor to live in, or buying whole blocks in crowded quarters of the city where filth and disease abound, and turning them into public squares and parks? Does the law or our social system prevent any of these things? Government might do some of them, but individuals might also, without the government, and the healthiest state of society might be held to be one where individuals and private associations do so much in the line of what is good that the necessity for governmental action is reduced to a minimum. I myself know one or two individuals—and I count myself happy in knowing them—who devote all their surplus income to public uses; who, instead of indulging themselves, reduce their personal expenditures to the lowest possible point consistent with decency and dignity and the duties of hospitality; who live, one feels, not for themselves, but for human advancement. And the law protects these persons in doing their will just as truly as it protects vain, unprofitable persons in doing theirs; there is nothing in our law or social system that prevents hundreds and thousands of such persons arising and living for humane ends. Probably some of you already know persons not unlike those I have mentioned.

There are those who think that there ought to be a progressive income-tax; I am not sure but that I agree with them. But the principle of such a tax might be acted on without a law; there is nothing in present laws that is inconsistent with obedience to the principle. Some are acting in obedience to it and go further than any law would be likely to require, and I am not sure that they are not acting more wisely and securing more benefit to the community than any State would be likely to (as States now are), in case the amounts were turned over to it to expend.

Laws cannot possibly command more than men may give of their own free-will, when they are guided in their conduct by moral principle, or are inspired by an enthusiasm. In

turning over the pages of "A Short History of Philadelphia" recently, I came across an account of the great "Cooper-Shop Volunteer Refreshment Saloon," instituted in 1862, for the feeding of United States troops passing through the city. Beginning, it is said, with the supply of a single regiment by a few kind-hearted women, it developed into a thoroughly organized system, by which, in the course of the war, six hundred thousand soldiers were fed, nearly two thousand cared for in a hospital managed by volunteer nurses, and several thousand lighter cases relieved by dispensary treatment. The interesting thing (in connection with the point I am now considering) is that this magnificent contribution to the comfort and effectiveness of the national forces was supported entirely by funds raised by private individuals, with no assistance whatever from the government, and by the unremitting labor of unpaid assistants, not a few of whom, it is stated, laid down their lives as a willing offering to the work.\* Is a change in the law necessary to bring about things that can be done just as well, the law staying where it is?

I am bold enough to take an instance involving a more debatable and difficult problem. The equity of land-ownership has been much discussed in recent days. As is well known, the value of property of this sort may increase at an almost fabulous rate, without the slightest effort being made by the owner of the property. It is impossible that the propriety of gains of this sort should not be questioned. Accordingly, a school of reformers has arisen which denies their rightfulness as a private possession, and says they should go to the community, the existence of which makes them possible. Nothing will avail, these reformers are apt to say, and no improvement is possible for humanity, until a change in the laws takes place to this effect. Taxation should be taken off from commodities in general (which men labor to produce), and put upon land (which they do not produce); then, it is held, the evils which afflict humanity will more or less right themselves. It would, of course, be foolish for me to give an opinion on so

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\* "A Short History of Philadelphia," by Susan Coolidge, p. 206.

great and complicated a question in a few moments (for it is not so simple a question, to my mind, as it appears to be to many); and I have no idea of giving an opinion. But I do ask, must all movement in this direction wait on a change in the law? Have individual men no responsibility in the matter till a change in the law is effected? Is no action possible while the law remains as it is? For my part, I do not see why a great change should not come over men's notions and conduct in relation to this kind of property, though not one addition or alteration is made in the statute-book. If one becomes convinced that values which he has done nothing to create are not rightfully his, what is there in our present system or laws to prevent him from turning over those values (substantially) to the community's uses, and treating himself, so far as he remains the nominal owner of the wealth, as the steward of the community? Why must we wait for a law to compel us to do what we know we ought to do ourselves? Why must we wait for a change in the system to accomplish what we can just as well accomplish, the system remaining what it is?

You have, for example, a piece of ground in the heart of a great city. You do not use it; you rent it. It cost you or your father or grandfather little or nothing, and you get an income from it every year, clear of all taxes, running into the hundreds, and even into the thousands. I know men of the world would count you a fool not to take and to keep all you can get; but in the light of ethics the question may take a different shape to you. And, if so, what is there to hinder you from taking these hundreds or thousands and making yourself by means of them a public benefactor, quite refusing to turn them to private account or to use them as a means of selfish gratification, using them, so far as you use them at all, for yourself, only to better equip yourself, to set yourself entirely free, to make you nobly independent, for the service of humanity? There is absolutely nothing in our social system or in the laws to prevent this; the only thing that can effectually prevent is lack of conviction, or else sluggishness or indifference in your own heart. I cannot admit, then, that we

must wait for a change in the laws to enable us to do justice in this matter, even if we take the most radical views of justice. I cannot admit that we are obliged to comply with the system till that time. Those who suffer from the wrong may have to, but those who cause it do not.

The same may be said of the old slavery problem. The laws permitted slavery, they sanctioned it, but they did not compel anybody to enslave the negro; and the bottom trouble was not with the laws, but with the slaveholders. If a slaveholder had excused himself by saying that there was nothing for him to do but to comply with the system, that he was powerless against it, he would have been suspected of cant by honest men, and a rugged slaveholder like John Randolph of Virginia would have been apt to despise him.

“Sworn foe of Cant, he smote it down  
With trenchant wit unsparing,  
And, mocking, rent with ruthless hand  
The robe Pretence was wearing.

“He held his slaves, yet made withal  
No false and vain pretences,  
Nor paid a lying priest to seek  
For scriptural defences.”\*

If, because the laws were on the side of slavery, men had to practise it, how was it, then, that individuals, and whole bodies like the Friends, set free their slaves, and yet were deemed nowise transgressors? These individuals, the Society of Friends, had conscience,—that was what marked them; and so far as their personal relations with their own slaves went, there was not, and never had been, anything in the laws that compelled them to act against it. What an edifying spectacle it would make, if those who believe that what is called the unearned increment (in land-values) should go to public uses, could inspire a body of men, as the Society of Friends were once inspired on another issue, to renounce the advantages present laws allow them to have, and actually devote to public uses the unearned increment in their pos-

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\* John G. Whittier's “Randolph of Roanoke.”



session of their own free will! And why should this not be? Does any really great moral enthusiasm wait for a law to enforce it?

But let us take a more difficult instance still,—one in which there are real obstacles against a man's doing what in his heart he would like to do. I refer to the business man,—more particularly the employer,—who is doing business in competition with others in the same field. Undoubtedly he cannot act just as he would if he were master of the situation, and had only his own mind to consider. If his competitors reduce their expenses, he must reduce his, or else be in danger of being driven out of the field. And in many ways, perhaps in most, this competition may be a good; and from the standpoint of ethics nothing may be said against it. But suppose that the reduction of expenses takes the particular form of the reduction of wages, and that wages are already low. The thoughtless or unscrupulous employer may, of course, do this without any qualms of conscience; but the employer who reflects on what it means, and who has some principle and humanity, may exceedingly dislike to do it, and yet, following what I have already said, he may come near being forced to. He must put what he produces or deals in at as low a price as the competitor, or be driven out of the market. Temporarily, he may devise or get hold of some improved machinery or other contrivance, by which his expenses may be reduced (proportionately) without touching wages; or he may by extra efforts make larger sales, and so be able to put down his prices; or he may consent to take less in the shape of profits for himself. But the first two things may conceivably be done by the competitor in time; so that at last he may be strictly compelled, according to all appearances, either to take less profit to himself or to pay less wages to his men.

But here the question arises, What is to hinder an employer from taking less profit to himself? Is there any law that hinders it? is there anything in the social system that prevents it? True, most men like to get as much profit for themselves as possible, and many are willing to get it at almost any cost (if they do not have to violate the law), even to the extent of

quite ruling out considerations of humanity and justice in dealing with their employees, and treating with them, as the saying goes, "purely on a business basis;" these persons may, I think, not unfairly be said to give the tone and spirit to our present industrial system. But, for all that, this system is entirely a reflex (in this aspect of it) of individual minds, and has not an iota of power over any one who dissents from it. If anybody is willing to work for ten thousand dollars a year instead of twenty thousand dollars, or for five thousand dollars instead of ten thousand dollars, or for two thousand dollars instead of five thousand dollars, he can do so. And as far as this will make a difference, he may to this extent, in face of such a situation as I have already described, keep the wages of those who work for him where they were, or may even, if he knows they are already too low to make it possible for the men to live a worthy or even a decent human existence, raise them.

I know it may be thought fanciful to expect that anything more for workingmen will be done than they are in a situation to demand; but such a view leaves morals out of account in these relations altogether. One of the first elements in morals (taken in any other than an outward, conventional sense), one of the simplest notions connected with justice, is giving to others what they ought to have, whether they are strong enough to extort it from us or not. The meaning of morals is action from within, rather than under constraint from without; so that if a man never does more than others virtually oblige him to do, he may, even though he chances to pay the highest wages to his workingmen, never act morally towards them his whole life through. Why cannot morality, sentiments of justice and brotherhood, apply to the business dealings of men with one another as truly as anywhere else? In the old days, a man who wished to live a perfect life withdrew from society and all worldly business, and dedicated himself to the interior purification and sanctification of his soul. I have no word of mockery or reproach for those who thus sought to be blameless in their own eyes and at peace with conscience; but a more rugged and heroic virtue is needed now. We want men who will show unself-

ishness in the world, rather than without it, and who will in those very regions where low motives are supposed to be the only effective ones, demonstrate that high motives can serve as well. And what hinders,—*i.e.*, really and forcibly? Nothing but the lack of moral insight, or else of moral impulses and of moral determination in men themselves.

And yet I wish to face the worst alternative in this matter. Suppose that willingness to take lower profits, and thus to come to something nearer equality with those whom one employs, does not suffice; suppose that one is already carrying on his business at as low a profit as he possibly can, and yet maintain himself, what is he, in such a case, to do, if his competitor, in similar conditions, reduces wages? Is he not literally obliged to do the same, or else run the risk of bankruptcy, if he continues? I doubt not that employers are in this situation at times, that it is with the greatest reluctance that they follow the example of their unscrupulous competitors, that with the best will in the world they do not see how they can do otherwise. Unscrupulous men have a power thus altogether out of proportion to their numbers, or their talent or ability, or anything but just this willingness to gain their ends by any means; they have the power to degrade the whole tone of industrial life, to drag the best men down to their level, to make the most humane men appear outwardly just as selfish as themselves. For in a competitive system, where the motive is private gain, it must be remembered that the absence of scruples may be an advantage in the struggle: the unscrupulous man, who stops at nothing, may win; and another man, just because of his conscience, may not be able to compete with him. So that I do not wonder that some say that the system itself must be changed, in which it is possible for the best to be ruled by the worst.

Yet let us ask ourselves, What may be done in this particular, taking things just as they are? Is there anything to hinder, for instance, employers uniting among themselves and mutually agreeing not to reduce wages below a certain point, so that none of them shall have an advantage over the rest by making such a reduction? There is no more interesting

and significant phenomenon in recent industrial development than the formation of associations and combinations among employers for mutual benefit. Competition is good, but good, it is seen, within limits; and when it is absolutely unrestricted, or, what is the same, unprincipled, it may be destructive. To keep this and that line of business on a paying basis, then, men are learning to co-operate. Why should they not co-operate for something beyond their individual gains?—co-operate to maintain as good wages as possible for those whom they employ? Why should not a sentiment of honor arise on this point? Why should it not come to be regarded as inconsistent with the dignity of a business man to pay wages beneath a certain rate? Why should not business thus be elevated to the rank of a profession, and have its rules, its standards, its code, and things admitted to be professional and things admitted to be unprofessional? Is it not possibly one of the reasons why business pursuits have been thought to be unbecoming to a gentleman in the past (a worthy reason among many ignoble ones) that one was not expected to be guided by any principle in conducting them, and was at liberty to make any sort of a bargain that he could?

I refuse to admit that individuals and associations of individuals might not act from as high motives in the field of business as in the field of law, medicine, philanthropy, or religion. I believe that employers can be as solicitous for the best possible conditions for those whom they employ as for their own gains. But the other day I read in one of our local papers of a firm of manufacturers here who offered to advance the wages of those whom they employed, if their men could get other manufacturers in the same line of business to do likewise. But why do not these willing manufacturers appeal to their competitors direct, instead of leaving it to the workmen, whose advances and demands are so apt to be regarded suspiciously by their employers? Why not form a combination of manufacturers in this particular line who shall agree to raise wages together, and not in the future to take advantage of one another by ever individually reducing wages? and why should they not, if they are pressed by competition

at other points in the country, endeavor to bring these other manufacturers into the combination, so that all together throughout the country shall stand for justice to the workman? All this can be done within the limits of existing law, just as associations to maintain profits are already forming themselves within these limits, and just as associations are forming among workingmen to maintain wages. Competition can be changed to co-operation to this extent in the social system that now is, and without any preliminary overthrow or even modification of it; the change can come purely from the working of moral impulses among men.

And yet you will say that the unscrupulous employer may be inaccessible to these impulses, and may stand apart from the co-operative effort that other employers are making. True; but it is also true that public sentiment may be so stirred, that public opinion may be so educated, that people in general will have nothing to do with him, will not buy his goods (if they know them), or regard him with any other feelings than those of aversion. Moreover, though he be inaccessible to moral considerations for the time, he might not be always; and even the hope would be, and the aim and the effort, to win him over to the side of humanity and right. No one can tell what might be done in this direction; even such a realizing of the situation, such a facing of the question as I have stated it, is not common at the present time, much less any united effort of the moral forces of society to accomplish the result. Ordinary religion is satisfied to have men make all the money they can, in all the ways they can (within legal limits), if they will only give a part of it to the church and to philanthropy;\* the feeling has yet to dawn on the world, or at least of any considerable portion of it, that something like a fair distribution of wealth among those who help (or are ready to help) to produce it is more important than the building of

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\* I need hardly say that this is not the religion of such men as Father Huntington. See his article on "Philanthropy and Morality," in the *INTERNATIONAL JOURNAL OF ETHICS*, October, 1892. I think one must admit that the first searching word on this subject, in the *JOURNAL*, has come from an orthodox Christian believer.

churches or the support of any number of philanthropies. Yet I say there is absolutely nothing in the existing laws or system of society that forcibly prevents the rise of such a feeling, nothing that need hinder its growth and progress, nothing that is inconsistent with its ultimate victory over all that opposes it, including whatever amount of inertia, unbelief, and moral deadness there may be among men.

There is one other instance of unsocial, unbrotherly action which I must speak of; it will be the last. It is in one way the most difficult instance, and it cannot fail to excite our sympathies. I refer to the person who, when there is a strike among workingmen for justice or against injustice, takes a striker's place, and so helps to defeat the cause for which the workingmen are contending. Of course, strikes *may be* foolish or unjust; but it must be admitted that there are just ones, too, and only these do I now have in mind. Such are present conditions that a legitimate cause may be entirely defeated by those who, though they do an unsocial, unbrotherly thing, yet have our sympathy to the extent they are necessitous themselves. Here no law, but something equally urgent, the need of getting subsistence for themselves and perhaps their families, virtually compels them. I confess that, with this fact before my eyes, I have sometimes been compelled to think that individuals and individual effort are powerless, and that nothing but a change in the economic constitution of society can bring relief. Yet what can be done, things being as they are? In the first place, the associations or unions of workingmen might be made more complete, more inclusive, than they now are; they might bring in those persons who are outside them, and who now act, on occasion, against them. In the second place, they could ask for wages which would cover the needs not only of those of their number who had work, but of those who could not get it,—just as the head of a family may ask for enough to meet the needs of his family as well as his own needs,—and in favor of such an aim and demand, in sympathy with it, all the moral forces of society might be arrayed. If society is one great brotherhood, surely all ought to have either work, or support if there

is no work for them to do ; indeed, rationally speaking, is there not an absurdity in some men working ten and twelve hours a day, and others equally able having nothing to do. If sense and conscience ruled, the workless would have work to do, and those now working would not have to do so much. And I do not see why all this might not take place quietly, gradually, peaceably, in answer to a movement of ideas among the people, in answer to individual and co-operative effort,—the general system of society and law standing just where it is, or, if modified, modified as the result of this moral evolution, not as the condition or antecedent of it.

I hope I have fairly treated these different instances which I have considered. I have tried to, and, if I have at all succeeded in so doing, the conclusion is irresistible that a vast deal might be done to reform the world, simply by a change in the ideas, dispositions, and principles of men.\*

It has not been my object to discuss, in all their various bearings, any of the questions I have touched upon. I have simply asked what could private, voluntary, moral effort do in meeting them? I think it is a mistake—and often worse than a mistake—to say that men cannot do right till the system of society in which we live is right, or the laws a mirror of perfect equity. I think it is a poor and weak philosophy which holds that it must first be easy and comfortable, and even profitable, to be virtuous, before anybody can be expected to be so. Temptations always have existed, and probably always will exist, for humanity in its upward march. I have been amazed to read in one of our labor papers, from which I must say that I derive a great deal of instruction, that so long as the opportunity exists for men in our Philadelphia City Councils to make something out of the privileges they give to corporations, they must be expected to be corrupt. What has manhood come to mean in this nineteenth century, if a bribe has only to be offered to be taken, if the only way to make men honest is to take away opportunities to be any-

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\* Whether what I have suggested as possible *will* be done, is another question.

thing else! Not by living in a "Garden of Eden," not by being placed in circumstances where no temptations could arise, has the race risen to whatever virtue or manly strength it now has.

It is, of course, easy to live as the world around us do, but it is not necessary. It may be hard to rise into the atmosphere of principles and great aims, but it is possible to do so. To inspire men in this direction is, as I understand it, the aim of this Society. We are not politicians, we are not statesmen, we are not economists, we are not social theorists, but we do stand for moral ideas, and for their introduction into every department of human life, until no nook and corner of it is unpenetrated by their bracing and purifying influence. What we care for more than anything else, I take it, is the development of manhood,—of live, self-acting, self-ruling manhood; for my part, I would rather see one man inspired by an idea than a hundred made comfortable without it. Law has its place, and philanthropy has its place, but to make men see the right and do it of their own accord is greater than all. We, my friends, are so small, so insignificant, that from any outward point of view we may never accomplish anything worth talking about; but if by the meetings and discussions we hold we are set to thinking; if we gain large, liberal minds; if we come to believe in great principles and to share in great hopes, and if, in the measure of our power, we lend a hand to every good, forward movement in the community, we need by no means be a useless factor in it, and perchance the world may be some time brighter and better for our once having lived.

WILLIAM M. SALTER.

PHILADELPHIA.